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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,539	06/09/2000	Tina Marie Nielsen		3228

7590

03/25/2003

Robert E Howard
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Eugene, OR 97440

EXAMINER

ARNOLD III, TROY G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/591,539	NIELSEN ET AL.	
	Examiner	Art Unit	
	Troy Arnold	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Upon reconsideration, the final rejection mailed August 9, 2002 is withdrawn and the following non-final rejections are made, in light of closer inspection of the references cited. Any inconvenience to the Applicant is regretted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Hunt. Wade teaches all the limitations of claim 15 except a) the case being attached inwardly of the first end of the sheet and b) the open first end of the carrying case facing a longitudinal edge of the sheet. Hunt teaches a case 26 which is attached inwardly of the first end of a sheet 12, with the openable end facing the top edge. It would have been obvious in view of Hunt to one of ordinary skill in the art at the time the invention was made to make the case of Wade attach inwardly of the first end of the sheet for the purpose of allowing it to better function as a pillow, should it be used in that manner. It would have been obvious to rotate the case of Wade 90 degrees and

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around the edge of the sheet, so that it faced a longitudinal edge of the sheet, for the purpose of allowing the case to be more conveniently used as a storage bag, when someone is lying on the sheet.

Claims 16-28 are rejected under 35 U.S.C. 103(a) in the same manner as in Paper No. 8, mailed February 28, 2002.

Additionally, the following rejections are made:

^{18, 20}
Claims 15, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt. Hunt teaches all the limitations of claim 15 except the open first end of the carrying case facing a longitudinal edge of the sheet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to rotate the case 26 of Hunt 90 degrees so that it faced a longitudinal edge of the sheet, so that it might be more conveniently accessed when someone is lying on the sheet. The rotation of an element in such a manner is clearly within the capability of one of ordinary skill in the art. (Further, it is noted that there is no apparent criticality to the open end of the case of the Applicant's invention facing the longitudinal edge of the sheet.) Regarding claim 21, the end portion 48 will act as a carrying means attached to the case, adjacent the open end. Regarding claim 24, were the sheet of Hunt reversed and stuffed inside the case 26, the strips 50 and 52 on the flap 48 and portion 30 could secure the flap to the front wall of the case.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt as modified regarding claim 15, in view of Wade. Hunt as modified teaches all the limitations of claims 16 and 17 except a slip cover pocket at the first and second

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ends of the sheet. Wade teaches a slip cover pocket at the first end of the sheet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a slip cover pocket as taught by Wade into the invention of Hunt for the purpose of allowing the sheet to be better restrained in wind, on any item such as a chair. Adding a slip cover pocket to the other second end is mere duplication, and would have been obvious for the same reason.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt as modified regarding claim 15, in view of Terrazas. Hunt as modified teaches all the limitations of claim 23 except a waterproof sheet attached to the bottom of the flexible sheet. Terrazas teaches a sheet with a waterproof layer for a similar purpose. It would have been obvious to one of ordinary skill in the art at the time the invention was made to put a waterproof layer on the bottom of the sheet of Hunt in order to protect the user from moisture on a surface being rested on.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Arnold whose telephone number is 703-305-0621. The examiner can normally be reached on Tuesday-Thursday, 9:30-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-0302 for regular communications and 703-872-9303 for After Final communications.

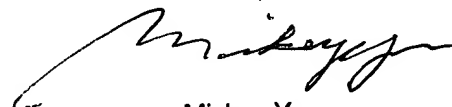
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Troy Arnold
Examiner
Art Unit 3728

TGA
March 21, 2003

A handwritten signature in black ink, appearing to read "Mickey Yu", is positioned above the printed name and title.

Mickey Yu
Supervisory Patent Examiner
Group 3700